

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Gerdau Ameristeel US Inc. **FILE #:** 12-103-789
2. **APPLICANT:** Gerdau Ameristeel US Inc. **HEARING DATE:** September 27, 2012
3. **TYPE OF APPLICATION:** CUP w/ variance
4. **LOCATION:** 780 Barge Channel Road, SE of Midwestern Railroad
5. **PIN & LEGAL DESCRIPTION:** 092822340019, see file for complete legal description
6. **PLANNING DISTRICT:** 3 **PRESENT ZONING:** I2, FF
7. **ZONING CODE REFERENCE:** §§65.846, 68.402(c)(7), 72.74, 72.32, 72.75, 61.501; 61.601; 61.202(b)
8. **STAFF REPORT DATE:** September 18, 2012 **BY:** Josh Williams
9. **DATE RECEIVED:** September 6, 2012 **60 DAY DEADLINE FOR ACTION:** November 5, 2012
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- A. **PURPOSE:** Conditional use permits for outdoor recycling processing center and for use of a method other than fill to elevate a structure above the regulatory flood protection elevation and variances for site access more than two feet below RFPE and rehabilitation slopes greater than 18%.
- B. **PARCEL SIZE:** 3049,27 sq. ft. (7 acres)
- C. **EXISTING LAND USE:** Industrial/Warehouse (vacant)
- D. **SURROUNDING LAND USE:**
North: Industrial (I2)
East: SPPD impound lot (I2)
South: Vegetation, railroad tracks, Concord Street (I2)
West: Industrial (I2)
- E. **ZONING CODE CITATION:** §65.846 lists standards and conditions for recycling processing centers. §68.402(c)(7) require rehabilitation slopes in River Corridor districts to be less than 18%. §72.74 lists standards for conditional uses in the FF flood fringe district. §72.32 lists factors to be considered in evaluating applications for conditional use permits in the floodplain. §61.501 lists general requirements for all conditional uses. §72.75 lists four findings that must be made in order to grant variances to the floodplain. §61.202(b) authorizes the planning commission to grant variances when related to conditional use permits.
- F. **HISTORY/DISCUSSION:** There is no zoning history for the property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 3 has recommended approval of the application with conditions.
- H. **FINDINGS:**
1. The applicant, Gerdau Ameristeel US, is seeking conditional use permits, with a variance, in order to establish an outdoor recycling processing center at 780 Barge Channel Road. The currently vacant property is owned by the Saint Paul Port Authority, and, if established, the recycling center will operate under a 10-year lease with the Port Authority. The applicant has stated that the purpose of the recycling center is to provide a supply of scrap material for recycling at the steel mill operated by Gerdau on Red Rock Road.
 2. The applicant is seeking two conditional use permits. One is for the overall use of the site as an outdoor recycling processing center, which is a conditional use in all zoning districts. The other is for the elevation of a structure above the regulatory flood protection elevation (RFPE) on an alternative to fill. The applicant has proposed four structures on the site. One structure is existing, and is below the RFPE. This structure will be rehabilitated, including movement of all mechanical systems and utilities above the RFPE, and consistent with FEMA requirements for investment in non-conforming structures. Two new structures, a fluid extraction building and a peddler drive-through building, will be constructed on fill elevated to RFPE. A fourth building, housing offices and a scale operator, will be constructed on an alternative to fill.

3. The applicant is also requesting variance of two floodplain development standards. §72.75(a) states: *All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If variance to this requirement is granted, limitations on the period of use or occupancy of the structure for times of flooding must be specified and only after determining the adequate flood warning time and local flood emergency response procedures exist.* Access to the site is via Barge Channel Road, the portion of which that serves the site has an elevation between roughly 701 and 701.8 feet. RFPE is 708.2 feet. The parking lot serving the office structure is situated at grade, and the elevation varies between 702 and 704.2 feet.

§68.402(c)(7) states that *no rehabilitation slopes shall be steeper than eighteen (18) percent slope.* Numerous slopes on the sight, created by excavation for stormwater treatment and fill for building elevation, exceed eighteen percent.

4. §65.846 lists standards and conditions for recycling processing centers, outdoor, a conditional use in the I2 General Industrial district:

- (a) *Outdoor processing, salvaging, and storage of the materials and motor vehicles shall be no closer than three hundred (300) feet to a property occupied with a one-, two-, or multiple-family dwelling. The area used for the outdoor processing, salvaging, and storage shall be behind an eight-foot-high obscuring wall, fence, or landscape buffer. The Planning Commission may modify this requirement where a wall, fence, or buffer may interfere with the operation of the business.*

This condition is met. The nearest residential lot is located approximately 420 feet from the southwest boundary of the property. The entire southern and southwestern edge of the property, along Concord Street, is screened by established vegetation. Site plans submitted by the applicant call for that vegetation to remain in place. The northern and eastern boundaries of the site abut Barge Channel Road and the SPPD impound lot, respectively. At site plan review, the staff recommendation was that screening along these portions of property was not necessary.

- (b) *There shall be no outdoor open burning on the site. The use of cutting torches, furnaces, or other equipment which produces a flame shall not be construed to constitute open burning.*

This condition is met. The applicant is aware of the condition and has no plans for open burning on the site. Processing occurring on site will be limited to that required for transport to the Gerdau mill.

- (c) *There shall be no stacking of material above the height of the wall or fence, except that material set back three hundred (300) feet from the nearest residential property line may be stacked one (1) foot higher than the wall or fence, up to a maximum of sixty (60) feet for, for every additional five (5) feet the material is set back from the nearest residential property line.*

This condition is met. The nearest residential lot is located 420 feet from the property line of the subject property, allowing a total stacking height of 36 feet, if the internal setback of the stacked materials from the property line is not considered. However, the applicant has agreed to a maximum stacking height of 25 feet.

5. §72.74 lists standards for conditional uses in the FF flood fringe district.

- (a) *Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls or above grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if: 1) the*

enclosed area is above grade on at least one (1) side of the structure; 2) is designed to internally flood and is constructed with flood-resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

- (1) *Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the Minnesota State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent floodwater from entering or accumulating within these components during times of flooding.*
- (2) *Specific standards for above grade, enclosed areas. Above grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:*
 - a. *A minimum area of "automatic" openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters without any form of intervention.*
 - b. *That the enclosed area will be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the Minnesota State Building Code and shall be used solely for building access, parking of vehicles or storage.*

This standard can be met. The applicant has contracted with an engineering and architecture firm to design pilings for a prefabricated structure. The applicant will supply certified design and as built plans to the Department of Safety and Inspections and the Planning Commission.

(b) *Basements, as defined in §72.14, shall be subject to the following:*

- (1) *Residential basement construction shall not be allowed below the regulatory flood protection elevation except as authorized in subsection (e) of this section.*
- (2) *Nonresidential basements may be allowed below the regulatory flood-protection elevation, provided the basement is protected in accordance with subsection (c) or (e) of this section.*

This standard does not apply; the proposed structure has no basement.

(c) *All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation [RFPE] shall be structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the Minnesota State Building Code. This shall require making the structure watertight, with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.*

This standard does not apply; the proposed structure has no basement or other areas below the RFPE.

(d) *The storage or processing of materials that are, in times of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited. Storage of other materials*

or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the planning commission, or if elevated above the regulatory flood protection elevation by alternative methods which meet the requirements of subsection (a) above. Storage of bulk materials may be allowed provided an erosion/sedimentation control plan is submitted which clearly specifies methods to be used to stabilize the materials on site for a regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the planning commission.

This standard is met. The applicant intends to store stockpiled heavy scrap on site during times of flooding. Similar to bulk storage items such as gravel or rock, these items are not buoyant or susceptible to transport in low-current floodwaters. Dissimilar to bulk materials such as sand, erosion and sediment controls are not needed.

(e) When the Federal Emergency Management Agency has issued a letter of map revision-fill (LOMR-F) for vacant parcels of land elevated by fill to the one (1) percent chance flood elevation, the area elevated by fill remains subject to the provisions of this chapter. A structure may be placed on the area elevated by fill with the lowest floor below the regulatory flood protection elevation provided the structure meets the following provisions:

- (1) No floor level or portion of a structure that is below the regulatory flood protection elevation shall be used as habitable space or for storage of any property, materials, or equipment that might constitute a safety hazard when contacted by floodwaters. Habitable space shall be defined as any space in a structure used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry or utility space, and similar areas are not considered habitable space.*
- (2) For residential and nonresidential structures, the basement floor may be placed below the regulatory flood protection elevation subject to the following standards:*
 - a. The top of the immediate floor above any basement area shall be placed at or above the regulatory flood protection elevation.*
 - b. Any area of the structure placed below the regulatory flood protection elevation shall meet the "reasonably safe from flooding" standards in the Federal Emergency Management Agency (FEMA) publication entitled "Ensuring that Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding," Technical Bulletin 10-01, a copy of which is hereby adopted by reference and made part of this chapter. In accordance with the provisions of this chapter, and specifically section 72.33(g), the applicant shall submit documentation that the structure is designed and built in accordance with either the "Simplified Approach" or "Engineered Basement Option" found in FEMA Technical Bulletin 10-01.*
 - c. If the ground surrounding the lowest adjacent grade to the structure is not at or above the regulatory flood protection elevation, then any portion of the structure that is below the regulatory flood protection elevation must be floodproofed consistent with any of the FP-1 through FP-4 floodproofing classifications found in the Minnesota State Building Code.*

This standard does not apply; no LOMR-F has been issued for the land on which the structure is being built.

6. §72.32 lists thirteen (13) factors to be considered in evaluating applications for conditional use permits in the FF flood fringe district:

- (a) The relationship of the proposed use to the comprehensive plan and floodplain management program for the city. The proposed use is in compliance with the Saint Paul Comprehensive Plan and the city's floodplain management program. The city's floodplain*

management program is implemented through Chapter 72 of the zoning code and through project review by the city's Water Resources Coordinator. Policy 5.1.3 of the River Corridor chapter of the comprehensive plan states that *the City supports continuation of industrial use in appropriate portions of the corridor, including the Southport industrial area.*

- (b) *The importance of the services provided by the proposed facility to the community.* The proposed recycling processing center will help to support the operation of the Gerda mill at Red Rock, which provides is slated for expansion and provides 400 jobs.
- (c) *The ability of the existing topography, soils, and geology to support and accommodate the proposed use.* The site has long been used for industrial and related activities. The applicant will conduct geotechnical investigations prior to erecting new structures on the site.
- (d) *The compatibility of the proposed use with existing characteristics of biologic and other natural communities.* The subject property is largely developed for industrial use and thus does not harbor substantial habitat or biological communities. Currently vegetated portions of the site will remain in the existing condition. Limited new landscaping has been proposed for site beautification and as part of the stormwater treatment system
- (e) *The proposed water supply and sanitation systems and the ability of those to prevent disease, contamination, and unsanitary conditions.* The site is currently served by municipal water and sanitary sewer. Changes to connections have been approved through the site plan review process.
- (f) *The requirements of the facility for a river-dependent location, if applicable.* Not applicable. The proposed facility does not have direct access to the barge channel or river. A shared dock-wall does exist for occasional use, but is of limited capacity.
- (g) *The safety of access to the property for ordinary vehicles.* Access to the site is available via Barge Channel Road. The road itself is below the RFPE, and access is restricted during times of flooding.
- (h) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.* The applicant is proposing three new structures. Two are elevated on fill to the RFPE, and the third will be elevated on alternative to fill. One existing structure on the site will remain in place, but all mechanical systems and utilities will be moved above the RFPE, and the remainder of the interior will be consistent with FEMA wet floodproofing standards. The applicant has also submitted a flood response plan which outlines practices to protect on-site work vehicles and scale equipment from flood damage.
- (i) *The dangers to life and property due to increased flood heights or velocities caused by encroachments.* The proposed facility will be located in the flood fringe and will by definition not result in encroachment into areas of flood flow.
- (j) *The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.* The proposed facility will be located in the flood fringe, where the velocity of flood flow is in general minimal. Long duration of flood, rapid rate of rise of flood waters, and sediment transport to site will not unduly impact the site or applicant, and are likely small in magnitude due to location in the flood fringe.
- (k) *The danger that materials may be swept onto other lands or downstream to the injury of others.* The proposed structure will not increase the danger of materials being transported from the site by floodwaters or base flows. Some bulk materials (metal scrap) will remain on site in times of flooding; the applicant has provided a flood response and evacuation plan that is in conformance with standards for floodplain storage.

- (l) *The availability of alternative locations or configurations for the proposed use.* The applicant conducted an extensive search and found limited options for their facility within the Twin Cities region.
- (m) *Such other factors as are relevant to the purposes of this chapter.* The factors and findings enumerated and described herein adequately evaluate the proposed use for the purposes of this chapter.

7. §61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The extent, location and intensity of the use are in compliance with Policy 5.1.3 of the River Corridor chapter of the Saint Paul Comprehensive Plan, which supports industrial uses in the appropriate portions of the river corridor provided no significant adverse impacts on the river corridor will occur.
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. At peak operation, facility is not expected to generate significant amounts of traffic. Some existing traffic to other recycling processing centers on Barge Channel Road may redirect to the proposed facility. Trucks transporting material to the Red Rock mill will go south on Concord Street to cross the River at I-494.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed facility will be surrounded on two sides by existing industrial uses. Residential areas are located over 400 feet away, far enough to attenuate noise of operations. The applicant has agreed to limit operating hours to between 7 am and 5 pm, Monday through Friday, with possible half-day operations from 7 am to noon on Saturdays. Existing light poles on the site will be removed; nighttime operations will not occur, and lighting on site will be limited to security lighting at building perimeters.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The subject property and immediately surrounding properties are zoned industrial, and allowed uses are consistent with proposed facility.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met subject to variances for vehicular access more than two (2) feet below the RFPE and rehabilitation slopes greater than 18%.

8. §72.25 lists four findings that must be made in order to grant a variance of Floodplain Management Overlay District standards:

- (a) *The burden of proof shall rest with the applicant to demonstrate conclusively that a variance to the provisions of this chapter will not result in a hazard to life or property and will not adversely affect the public health and safety; such proof may include soils, geology, and hydrology reports signed by registered professional engineers. Variances shall be consistent with the general purposes of the standards contained in this chapter and state law and the intent of applicable state and national laws and programs. In granting a variance, the board of zoning appeals shall make written findings, consistent with the criteria specified in this article, stating the grounds upon which the variance is justified. Although variances may be used to modify permissible methods of flood protection, no variance shall have the effect of allowing in any district use prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit a lesser degree of flood protection than required by state law. This finding is met. With regard to the requirement that vehicular access to new principal structures be at no*

more than two (2) feet below RFPE (§72.75(a)): Access to the subject site is via Barge Channel Road, which is at a lower elevation than the internal site road and parking lot that serve the primary structure. The applicant has provided a flood response plan and the site would not be occupied at the time of regional flooding. As a result, further elevation of the parking lot and/or on internal road would not enhance the safety of building occupants in times of flooding. Variance of this requirement is consistent with the purposes of this chapter, will not result in a hazard to life or property, and will not adversely affect the public health or safety.

(b) Variances shall not be granted within the floodway if any increase in flood levels during the regional flood discharge would result. This finding is met. The variance is not within the floodway.

(c) Variance shall only be granted upon:

- (1) Showing of good and sufficient cause;*
- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and*
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*

This finding is met. The entrance to the parking lot is located approximately 45 feet from the egress to Barge Channel Road. Raising the parking lot to 706.2 feet would require accommodating approximately 4.3 feet of grade change on the internal roadway between the parking lot and the egress to Barge Channel Road, potentially creating road slopes unsafe for fully loaded tractor-trailers, and greatly increase the net fill imported to the site. It would also result in numerous additional steeply graded areas to accommodate the internal road and stacking area to the east and likely would increase non-conformity in regard to §68.402(c)(7) pertaining to slopes. Granting of the variance will not result in increased flood heights nor additional threats to public safety or extraordinary public expense, and will not create a nuisance, cause fraud, or conflict with the existing local ordinances.

(d) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. This finding is met. The applicant has made a good-faith effort to elevate vehicular access as much as practicable.

9. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:

(a) The variance is in harmony with the general purposes and intent of the zoning code. This finding is met. The purpose of Chapter 68 of the Zoning Code (River Corridor Overlay Districts) is to protect and preserve the Mississippi River Corridor as a unique and valuable resource for the benefit of the health, safety, and welfare of the citizens of the city and state. The proposed will variances will not negatively impact the health, safety, or welfare of the public and are consistent with this purpose.

The site plan proposed by the applicant creates several slopes between 18% and 35%, for stormwater detention basins and for raising building sites above the RFPE. The Interim Development Regulations for grading and filling included in Governor's Executive Order 79-19, which created the Mississippi River Critical Area, say that earthmoving and erosion

should be minimized, methods to prevent erosion and trap sediment should be employed, and fill should be established to accepted engineering standards. Minimizing slopes is one of a number of methods to help minimize erosion potential, but would require significantly more earthmoving, grading, and fill. The stormwater pollution prevention plan (SWPPP) for construction and site plan provided by the applicant, which have been approved by the City of Saint Paul Water Resources Coordinator, provide an equally effective alternative for minimizing erosion potential while also minimizing the required earthmoving and fill.

- (b) *The variance is consistent with the comprehensive plan.* This finding is met. The extent, location and intensity of the use are in compliance with Policy 5.1.3 of the River Corridor chapter of the Saint Paul Comprehensive Plan, which supports industrial uses in the appropriate portions of the river corridor provided no significant adverse impacts on the river corridor will occur. The proposed variances do not reduce this consistency.
- (c) *The applicant has established that there are practical difficulties in complying with the provision, and that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. Conforming with the provisions would likely result in the loss of use for primary purposes of a substantial portion of the site, would likely result in unsafe road configurations and grades for tractor-trailers, and would require much more extensive grading and filling on the site, which Governor's Executive Order 79-19 says should be minimized.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Inability of the applicant to meet §72.75(a) is due in large part to the elevation of the public road serving the site. Use of the site is also constrained by a trail easement along the southwestern boundary of the property.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The proposed variances relate to finished site characteristics and configuration, and do not relate to the proposed use of the property, which is a conditional use on the I2 district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. Both the essential character of the surrounding area and the proposed use of the site are industrial in nature, and the proposed variances do not impact this character.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permits for outdoor recycling processing center and for use of a method other than fill to elevate a structure above the regulatory flood protection elevation, and variance of site access more than two feet below RFPE and the requirement that rehabilitation slopes be no steeper than eighteen (18) percent, subject to the following additional conditions:

- 1) Stored pile heights shall be no taller than 25 feet.
- 2) Hours of operation shall be between 7 am to 5 pm Monday through Friday and 7 am to 12 noon on Saturday.
- 3) The applicant shall supply to the Department of Safety and Inspections and the Planning Commission certified construction and as-built plans for the office/scale-operator structure prior to beginning operations on site.
- 4) No crushing, shredding or equivalent of salvaged materials shall occur on site.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # _____

Fee: _____

Tentative Hearing Date: _____

APPLICANT

Name Gerdau Ameristeel US Inc.
Address 300 Ward Road
City Midlothian St. TX Zip 76065 Daytime Phone 972-779-2200
Name of Owner (if different) _____
Contact Person (if different) Roy Frosch Phone 972-779-2200

**PROPERTY
LOCATION**

Address / Location 780 Barge Channel Road
Legal Description See Attached.
Current Zoning I2
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 65, Section 65.846, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See Attached.

☐ Required site plan is attached

Applicant's Signature

Date

9/11/2012

City Agent

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File # _____

Fee: _____

Tentative Hearing Date: _____

APPLICANTName Gerdau Ameristeel US Inc.Address 300 Ward RoadCity Midlothian St. TX Zip 76065 Daytime Phone 972-779-2200

Name of Owner (if different) _____

Contact Person (if different) Roy Frosch Phone 972-779-2200**PROPERTY
LOCATION**Address / Location 750 Barge Channel RoadLegal Description See Attached.Current Zoning I2

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of

Chapter 72, Section 72.74, Paragraph a of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See Attached.

☒ Required site plan is attached

Applicant's Signature _____

Date

8/16/2012

City Agent _____

Williams, Josh (CI-StPaul)

From: Mason Wells <mason@wsco.org>
Sent: Monday, September 24, 2012 10:32 AM
To: Kelly Jameson; Williams, Josh (CI-StPaul); Tilley, Corinne (CI-StPaul); Hoka Miller
Subject: Gerdau CUP Recommendation

Below is the motion approved by WSCO's Riverfront, Development, and Land Use Committee on Tuesday, September 18th. The motion will not go before the full WSCO Board until after the September 27th Zoning Committee. I plan on attending the meeting on the 27th. I will likely speak to the importance of West Side jobs.

"Motion to approve the conditional use permit applications as submitted with the following conditions: 1) No shredding of metal will be permitted at any time at this facility. 2) Any and all changes to these Conditional Use Permits will only be made with a reapplication to the Conditional Use Permit process."

If there are any question, please let me know.

Thanks,
Mason

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Mason Wells
West Side Community Organization
Community Organizer
1 W Water St, Suite 260
St. Paul, MN 55107
651-293-1708
mason@wsco.org

The proposed project requires a Conditional Use Permit for two reasons:

1. The proposed use is considered a recycling process center with outdoor processing which is permitted as a conditional use in the I2 zoning district. The operation will include outdoor storage and processing of metal materials and equipment.
2. The proposed Office/Scale House building will be raised above the regulatory flood protection elevation using an alternate method allowed by conditional use in the FF flood fringe district.

Through discussion with City staff we understand the following applicable standards and conditions will be considered when reviewing this Conditional Use Permit Application:

- Article IV. - 68.400. River Corridor Standards and Criteria
- Sec. 72.74. - Standards for conditional uses in the FF Flood Fringe District
- Sec. 72.75 – Standards for all FF Flood Fringe uses.
- Criteria presented in a Report prepared by Larry Zangs dated 10/18/2011

The following discussion presents a narrative and the title of applicable standards and criteria followed by an applicant comment explaining how the proposed site plan is in compliance.

Narrative

The proposed metal collection facility is considered a recycling process center with outdoor processing which is permitted as a conditional use in the I2 zoning district, where the property is located. The proposed use is consistent with adjacent properties. There are two similar metal recycling operations located within one-quarter mile along Barge Channel Road. The site is located within the RC2 Flood Fringe. The site will have an approved flood evacuation plan detailing flood preparation activities that the operator will conduct prior to flood events.

The site will function as a metal recycling process center for both small and large recycling operators. Recyclable metals, including vehicles, appliances, and miscellaneous metals, will arrive by tractor trailer and pickup. All vehicles will weigh-in at the entrance scale upon arrival. Loads are inspected to verify that they can be accepted. No hazardous materials are accepted at this site. During busy periods trucks can wait in the on-site staging area to avoid excessing vehicle stacking on the roadway. After weigh-in trucks will take their metals to the designated unloading location. To provide a safe operating site commercial operators with large delivery trucks will be directed to the back of the site for unloading, while smaller operators with smaller delivery vehicles and trailers will be unloaded near the front of the site. Non-ferrous metals will be unloaded and stored in the Non-ferrous Warehouse building (See Site Plan on plan sheet C2-1). Small operators with ferrous metals will be unloaded in the Peddler Drive Through Building. Vehicles will be processed for recycling in the Fluid Extraction Building. All operators will then leave the site by passing over a second scale and receiving a payment ticket prior to leaving the site. Small operators will then park in the staging area near the exit to receive their cash from an ATM style machine located near the exit. Large operators will leave the site directly from the scale with their payment credited to an account.

The proposed site plan includes three new buildings and renovation of an existing building. Two of the new buildings, the Peddler Drive Through and the Fluid Extraction Building, will be connected and will be raised on fill above the Regulatory Flood Protection Elevation (RFPE). The RFPE for the site is 708.2'. The third new building is the proposed Office/Scale-House for vehicles exiting the site. Scale tickets will be passed from the scale house to the drivers waiting in their vehicles. This building will be raised above the RFPE on utilizing a raised foundation system of piers or grade walls. The building will be constructed such that flood waters can pass beneath the lowest finished floor without compromising the structural integrity of the building. The existing building that is to be renovated has an existing floor elevation of 702.8'. The existing building currently has the heating system and the majority of the electrical system raised above the RFPE. The building will be renovated to raise the remainder of the electrical to an elevation at or above the RFPE. The existing building will also have the metal siding replaced. Prior to a flood the building will be cleaned, all stored materials and equipment removed, and allowed to flood. The cost of the materials for the renovations to the existing building will not exceed 50% the value of the existing building. The project budget includes approximately \$20,000

An erosion and sediment control plan is prepared that implements controls in accordance with the NPDES permit and City requirements. This plan includes temporary and permanent erosion and sediment control measures including Best Management Practices (BMPs) that include standard specifications, details, and special provisions as outlined in the NPDES permit requirements and City of Saint Paul. The construction of permanent stormwater management BMPs as well as the erosion and sediment control plan is included in the project's Stormwater Pollution Prevention Plan (SWPPP).

Construction BMPs will minimize erosion potential during construction. Drainage structure outfalls would be designed to include outlet stabilization to minimize potential erosion and turbidity. Natural drainage ways including existing or proposed ditches as well as vegetated filter strips will aid in permanent erosion and sediment control as well as stormwater management.

The site will be controlled with perimeter silt fence along the proposed construction limits. All construction areas will be entirely controlled. Additional silt fence and hay bale protection will be placed at key locations where necessary.

Stormwater runoff is transported on-site primarily using vegetated swales. The collected runoff is treated to NURP standards with two on-site detention ponds prior to release to a third detention pond on the adjacent parcel owned by the Saint Paul Port Authority. That pond drains to another vegetated swale and then to wetlands connected to the Mississippi River.

A landscaping plan (plan sheet L1-1) is included showing landscaped areas along Barge Channel Road, around the proposed ponds, around the proposed Office/Scale House, and along the vegetated swale.

Sec. 65.846. – Recycling processing center, outdoor.

Applicant Comment: The use of this site as a recycling processing center with outdoor processing triggers a separate CUP requirement and is covered in a separate CUP application. The proposed site plan includes an 8' high chain link security and screening fence. The screening will be accomplished utilizing a screening fabric. The screening fabric will be placed on the fence along Barge Channel Road and the stormwater pond to the west. The area that will be used for stacking of material is approximately 420' from the nearest residential property line. This setback distance would allow a maximum stacking height of 32'. However, the Owner does not anticipate a need to have stockpile heights that high and voluntarily agree to limit stockpile heights to a maximum of 25'. The typical operation of the site will have stockpiles approximately the height of the fence. This is because the site serves as a feeder facility for the steel mill located at 1678 Red Rock Road in St. Paul. This mill requires approximately 40,000 tons of recyclable material per month. The proposed recycling operation is expected to provide approximately 3,000 tons of recyclable material per month at its peak operation. Accordingly, there will be consistent demand for the material collected at this recycling facility, which will keep the stockpile heights limited.

ARTICLE IV. - 68.400. RIVER CORRIDOR STANDARDS AND CRITERIA

Sec. 68.402. - Protection of shorelands, floodplains, wetlands and bluffs.

Applicant Comment: The proposed project is in compliance with code Section 68.402. The fill required to grade the site as proposed is a net 3210 CY and has been kept to a minimum to allow safe ingress and egress from the proposed buildings and raise the proposed buildings to the RFPE of 708.2'. The existing building will be renovated to eliminate the need for additional fill to raise a third building. The total area of the site that will be disturbed is approximately 3.55 acres of the 7.0 total acres.

Sec. 68.403. - Protection of wildlife and vegetation.

Applicant Comment: The proposed project will not alter the natural environment on site. No wetlands are proposed to be removed or altered. The proposed areas to be disturbed have been subject to previous use that included surfaces similar to those proposed. The proposed project is in compliance with code Section 68.403.

Sec. 68.404. - Protection of water quality.

Applicant Comment: The proposed project is in compliance with code Section 68.404. Stormwater runoff will be collected and transported through the use of vegetated swales. The stormwater will be detained in stormwater ponds and treated to National Urban Runoff Program (NURP) standards. The smaller eastern pond drains to the

western pond. The western pond drains to an adjacent existing NURP pond that then drains to another vegetated swale prior to draining to wetlands connected to the Mississippi River. Runoff discharge rates will comply with the City of St. Paul stormwater requirements. Through this stormwater treatment system the discharged stormwater will be in compliance with the above code.

Sec. 72.74. - Standards for conditional uses in the FF Flood Fringe District

(a) Alternative elevation methods...

Applicant Comment: The lowest floor of the proposed Office/Scale House building will be raised above the regulatory flood protection elevation utilizing a raised foundation system of piers or grade walls. The area under the building will be open to flood on all four sides of the building. The building will be constructed such that flood waters can pass beneath the lowest finished floor without compromising the structural integrity of the building. The building engineer will provide a certification that the building and foundation design and as-built condition is consistent with the Minnesota Building Code and the flood factors of the area.

(d) The storage and processing of materials...

Applicant Comment: The metal inventory stored on-site will be protected and stabilized on-site during a flood event. An erosion/sedimentation control plan included within the flood evacuation plan will clearly identify methods to stabilize these piles.

Sec. 72.74. - Standards for conditional uses in the FF Flood Fringe District

(e) Developments not to affect hydraulic capacities.

Applicant Comment: The proposed project is located 900' from the floodway. No filling will take place within the floodway. The floodway is the part of the floodplain necessary to allow passage of 100-year flood waters without increasing the water surface and where velocities of flowing floodwaters are of concern. Fill within the flood fringe will not affect the hydraulic capacities of the channel.

Criteria presented in a Report prepared by Larry Zangs dated 10/18/2011:

- a) *Consistency with the comprehensive plan and floodplain management program for the city.*

Applicant Comment: The proposed metal collection facility is considered a recycling process center with outdoor processing which is permitted as a conditional use in the I2 zoning district, where the property is located. The use is consistent with adjacent properties. There

are two similar metal recycling operations located within one-quarter mile along Barge Channel Road. The proposed site will have two new buildings raised on fill above the Regulatory Flood Protection Elevation (RFPE), one new building that will be raised utilizing a raised foundation system of piers or grade walls such that the lowest floor will be above the RFPE, and will renovate an existing shop building placing mechanical and electrical equipment above the RFPE. The site will have an approved flood evacuation plan detailing flood preparation activities that the operator will conduct prior to flood events.

b) Importance of the services provided by the proposed facility to the community.

Applicant Comment: This facility plays a critical role in support of the existing Gerdau steel mill located at Red Rock. The Red Rock steel mill requires a consistent supply of recyclable metal. However, supply of this metal has been inconsistent as existing independent suppliers have shipped recyclable metal out of town in response to price fluctuations. A Gerdau operation recycling facility will provide the consistent supply of recyclable metal necessary to support continued consistent operation of the existing mill and to support the recently announced capacity expansion and \$50 million investment at the mill in St. Paul. This facility helps ensure the success of a St. Paul manufacturer with 400 employees.

c) Compatibility with existing characteristics of biologic and other natural communities.

Applicant Comment: The proposed site plan will protect the existing trees located on the south side of the site. Stormwater runoff will be treated using vegetated swales and National Urban Runoff Program (NURP) ponds. Two new ponds are proposed that will then drain to an existing storm pond located adjacent to the site. That pond drains to a vegetated swale and then to wetlands along the north side of Barge Channel Road. This is an improvement over the existing condition in which the site drains directly to the vegetated swale that drains into the wetlands. A landscape plan has been proposed that will introduce trees, and plantings to the site. The new plantings will be focused around the front of the site and around the Office/Scale House building.

d) Design of the water supply and sanitation systems to prevent disease, contamination and unsanitary conditions.

Applicant Comment: The water supply will be from the Saint Paul Regional Water Service via a watermain located in Barge Channel Road. The sanitary service will drain to a City sanitary main located in Barge Channel Road.

e) Requirements of the facility for a river-dependent location, if applicable.

Applicant Comment: The facility does not have a requirement for a river-dependent location.

f) Safety of access to the property for ordinary vehicles.

Applicant Comment: The proposed facility is designed to safely accommodate ordinary vehicles including passenger vehicles and tractor trailers. It is expected that customers using this facility will be driving ordinary vehicles.

- g) Susceptibility of the facility and its contents to flood damage and the effect of such damage on the individual owner.*

Applicant Comment: The proposed site has been designed with the understanding that flooding is a periodic occurrence at this location. Accordingly, two of the proposed buildings have been proposed to be raised above the RFPE on fill. The third proposed building will act as an office and scale house for vehicles exiting the site. This building will be raised utilizing a raised foundation system of piers or grade walls such that the lowest floor will be above the RFPE. The space below the lowest floor will be open on all four sides and allowed to flood. The existing building will be renovated to ensure mechanical and electrical equipment is placed above the RFPE. This building will be cleaned and have equipment and inventory removed or raised above the RFPE in preparation for a flood event. On-site equipment such as loaders and skid steers will be removed from the site or located inside the raised buildings during flood events. The proposed scales will be disconnected from the electrical supply and have electrical panels removed during flood events. Metal inventory stored on-site will be protected and stabilized on-site during a flood event. An erosion/sedimentation control plan included within the flood evacuation plan will clearly identify methods to stabilize these piles.

- h) Dangers to life and property due to increased flood heights or velocities caused by encroachments.*

Applicant Comment: The proposed site plan is not expected to result in increased flood heights or velocities of flood waters.

- i) Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.*

Applicant Comment: These flood characteristics are not expected to be affected by the proposed site plan. Additionally, the proposed site plan and flood evacuation plan have been designed to minimize, to the extent practicable, impact of flood events on the operation of the facility. The location of the facility is a considerable distance from the floodway, which is where these flood characteristics have the greatest impact. The location is such that it would be backwaters during a flood event and not subject to high velocity flows.

- j) The danger that materials may be swept onto other lands or downstream to the injury of others.*

Applicant Comment: The flood evacuation plan will include activities to minimize, to the extent practicable, the opportunity for materials to be swept downstream. Once the flood evacuation plan is executed the site will be cleaned and without materials that could be transported by the floodwaters.

- k) The availability of alternative locations or configurations for the proposed use.*

Applicant Comment: The site was chosen due to its proximity to the Red Rock steel mill and due to its compatibility with surrounding uses considering the proximity of existing facilities conducting similar operations.

Gerdau Flood Evacuation Plan

Gerdau Metal Recycling Facility

780 Barge Channel Road

St. Paul, MN 55104

Phone: TBD

The following items must be completed in preparation for flooding of the site as described below. The Gerdau Site Manager will be responsible for monitoring flood conditions and river elevations. This information is posted on the National Oceanic and Atmospheric Administration's website: <http://water.weather.gov/ahps2/hydrograph.php?wfo=mpx&gage=stpm5>. The City of St. Paul website for flood information is: <http://www.stpaul.gov/index.aspx?NID=3742>. The City maintains a Daily Flood Update email notification that shall be monitored for additional information. This email subscription is accessible through the above City website.

The following actions are to be taken at the site in preparation for a flood event. The elevation listed is the trigger for the events shown. When the river reaches these elevations the activities shall be completed. The Regulatory Flood Protection Elevation (RFPE) for this site is 708.2' (NAVD 88). The River Elevations shown below in the NWS Stage column reference the river stage elevation as reported on the above websites. The River Elevations shown below in the NAVD 88 column indicate the elevation above sea level on the North American Vertical Datum 1988. The NAVD 88 is the datum utilized for the RFPE and the site design documents.

The City will notify the Saint Paul Port Authority and Gerdau of sanitary sewer lift station shut down. Shut down of the lift station includes draining the sewer main, filling the lift station wet wells with clear water, and if necessary pulling out the electrical panels by City personnel. At an approximate river elevation of 701.0' (NAVD 88), site access may be restricted due to flooding of low areas on Barge Channel Road.

| Gerdau Activity | River Elevation (NWS Stage) | River Elevation (NAVD 88) |
|---|--------------------------------|------------------------------|
| <ul style="list-style-type: none">Remove trash, debris and floatables from rain gardens, vegetated swales, and NURP ponds.Inspect vegetated swales, and NURP pond slopes for stability deficiencies that could be exacerbated by flood waters. Perform any necessary repairs.Remove trash, debris and floatables from remainder of site.Inspect skirting around the Office/Scale House Building to verify that the openings that allow flood water to pass under the building are clear and unobstructed.Drain fluid storage tanks. | 10' Gauge Height | Elevation 693.78' |

| | | |
|--|--------------------------------|-------------------|
| <ul style="list-style-type: none"> • Inspect any stockpiled materials that are to remain on site during the flood. Remove all stockpiled car bodies, and loose tin (#2 Light) material. • Move all materials within the Non-Ferrous Warehouse to a rack elevated above the RFPPE or to the buildings that are elevated on fill. • Remove any recyclable vehicles from the site. | 14' Gauge Height – Flood Stage | Elevation 697.78' |
| <ul style="list-style-type: none"> • Move all mobile equipment inside elevated buildings or haul off-site. • Disconnect electrical supply to scales. | 16' Gauge Height | Elevation 699.78' |

PLANNING COMMISSION

Barbara A. Wenzl, Chair



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

September 20, 2012

Galus Nelson, Chair
Zoning Committee
City of Saint Paul
1400 City Hall Annex
Saint Paul, MN 55102

RE: Zoning File #12-103879

Dear Mr. Nelson,

I am the applicant or the applicant's duly appointed representative for this zoning file.

I request a continuance of consideration of the application in this zoning file, which is presently scheduled for a public hearing before the Zoning Committee on September 27, 2012.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for October 5, 2012, will also be continued.

I request that the Zoning Committee continue consideration of this application to October 11, 2012. I understand that the Planning Commission would then be scheduled to make their decision on October 19, 2012.

I am aware of and understand that the statutory requirements found in Minn. Stat. 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. 15.99 to November 19, 2012.

Sincerely,

Signature of Applicant or
Applicant's duly appointed
representative

Printed name of Applicant or
Applicant's duly appointed
representative

AN AFFIRMATIVE ACTION EQUAL OPPORTUNITY EMPLOYER



September 12, 2012

Josh Williams
Planner
Planning and Economic Development
25 W. Fourth Street
Saint Paul, MN 55102

Mr. Williams,

As the applicant for the conditional use permit applications for 780 Barge Channel Road, Zoning File # 12-103-789, I hereby request that the date of application be September 6, 2012 for purpose of determining the deadline for final action as specified by Minnesota Statute 15.99.

Thank you, and please contact me with any questions.

Sincerely,

Roy Frosch
Project Manager

Gerda
300 Ward Road
Midlothian, Texas 76065

214-908-6310

GERDAU RECYCLING FACILITY AT SOUTHPORT

August 24, 2012

Address: 750 Barge Channel Road

File #: 12 095170

Email sent to Roy Frosch at roy.frosch@gerdau.com

On 8/28/12 you met with City staff to discuss the site plan for your project. The comments from that meeting are summarized below.

Project overview

Gerdau wants to construct new buildings and pave part of the site to establish a facility for accepting metal that can be used at its mill on Red Rock Road.

Revised Plans

You will need to send me copies of the site plan after you have made revisions in response to the comments in this email. Please send me 7 half-sized sets of the site plan and a pdf version.

Zoning

The project requires a Conditional Use Permit (for the use) and a variance (for the method used to raise one of the buildings above the flood elevation). The hearing is tentatively set for late September. Josh Williams of PED is the staff working on this.

Address

Terri Vasquez of Public Works Technical Services (651-266-6128) will issue addresses for the project. One address will be issued for the site – probably 780 Barge Channel Road.

Plat

Terri said the property lines shown on your survey do not match the lines shown on the Ramsey County plat map.

Combine parcels

The site is made up of more than one tax parcels. You will need to combine them. This is done through Ramsey County. Terri Vasquez gave you the form that needs to be filled out. You will need to submit it to Ramsey County, then get an acknowledgement from the County that you have submitted it and then send a copy of this to Tom Beach. Once the lots are combined, the Port Authority can still rent a portion of the property to Gerdau.

Barge Channel Road

There was a discussion about whether Barge Channel Road was a private street or a public street. Terri Vasquez said the plat maps show it as a public street. Kelly Jameson of the Port said there were agreements making it a private street. Staff asked Kelly to submit the documentation she has about this and they will review it.

Plan notes

Terri Vasquez said you need to make these changes to the notes on the sheet C2.1:

- Note 3 – Change the phone number to 651-266-9700
- Note 5 – delete this note
- Note 10 – the contact should be Brent Gillen at 651-485-4263.

Traffic and driveways

Elizabeth Stiffler of Public Works Traffic Engineering (651-266-6210) said you must:

- Add arrows on the plan to indicate the flow of traffic on the site.
- Add the dimensions for the width of the new driveways.
- Show the existing driveways that will be removed.

- Show any gates and indicate if/how they will be locked.

Elizabeth said she is OK with the wider than normal driveway at the west side of the property.

Al Czaia of Public Works Sidewalks (651-266-6108) said:

- The concrete apron for the new curb cuts should extend back from the street as far as the aprons for the existing curb cuts.
- There will probably be a charge for the City to restore and damage to the street that results from construction activity.
- If Barge Channel Road is a public street, notes must be added to the plan stating
 - "All work on curbs, driveways, and sidewalks within the public right of way must be done to City Standards and Specifications by a licensed and bonded contractor under a permit from Public Works Sidewalk Section (651-266-6120). Sidewalk grades must be carried across driveways."
 - "Restoration of asphalt and concrete pavements are performed by the Public Works Street Maintenance Division. The contractor is responsible for payment to the City for the cost of these restorations. The contractor shall contact Public Works Street Maintenance to set up a work order prior to beginning any removals in the street at 651-292-6600. Procedures and unit costs are found in Street Maintenance's "General Requirements - All Restorations" and are available at the permit office."

Sewers

Anca Sima of Public Works Sewer Engineering (651-266-6237) said:

- She would check after the meeting to see if each building needed have its own sewer connection out to the main. Since then she sent an email that says Public Works determined that each building must have its own connection.
- She did not know that the calculations had been submitted. She will review them and get back to you with her comments.

Once Public Works Sewers Division has approved the site plan, you will need to submit the following to them:

PDF or AutoCad files

The applicant must email the approved drawings of the site plan in PDF and AutoCad along with any custom line type files and external references to: anca.sima@ci.stpaul.mn.us

Construction Record Drawings

As a condition of the approved site plan, the applicant must provide as-built drawings (paper or PDF) of all sanitary and storm sewer lines and all appurtenances which were installed on a site for which a final site plan was approved. The drawings shall be submitted to Saint Paul Public Works no later than 60 days following installation of the sewer facilities. As-built changes to text including: invert elevations, dimensions, notes, etc. shall be lined out with the record drawing text placed near it. Do not alter, modify or erase original approved construction drawing text. The construction as-built drawings shall show, but are not limited to, such information as the exact size, length, type and location of pipes; location and size of manholes and catch basins; depth and slopes of retention basins. The drawings shall show plan and profile views of all new public sanitary and storm sewer lines and plan views of all private sewer lines. The construction as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "Construction As-built Drawings" in the title block of each drawing and shall bear the signature and seal of a professional engineer.

Construction Record Drawings should be submitted to:

Anca Sima

Public Works Sewers Division

700 City Hall Annex

25 West 4th Street
Saint Paul, MN 55102
anca.sima@ci.stpaul.mn.us

Water service

Dave Marruffo (651-266-6813) of the Saint Paul Regional Water Service said:

1. Provide the following on Plan Sheet C4-1 under UTILITY PLAN NOTES:
 - a) Add Note: Water services to be installed according to SPRWS "Standards for the Installation of Water Mains."
 - b) Edit Note 9 to: "Maintain 8 feet of cover over all water mains and services."
 - c) Add Note: Pipe material for 8" Ductile Iron Pipe must be Class 52, Pipe material for 6" and 4" Ductile Iron Pipe must be Class 53.
 - d) Add Note: Maintain 3 feet vertical separation between water and sewer pipes or a 12 inch separation with 4 inch high density insulation per SPRWS Standard Plate D-10 for typical water main offsets.
 - e) Add Note: All water service valve boxes within construction area must be exposed and brought to grade upon completion of construction.
 - f) Add Note: All pipe work inside of property to be performed by a plumber licensed by the State of Minnesota and Certified by the City of Saint Paul.
2. The following work shall be performed by SPRWS on an actual cost basis. An estimate will be provided and a deposit in the amount of the estimate must be received before the work can be scheduled. Work of this type is currently being scheduled 4 - 6 weeks after payment and required signatures have been received:
 - a) Install 1.5" Copper Service within right-of-way.

Additional Requirements:

1. Application for new water services, billing information, and plumbing permits to be made with SPRWS at 1900 Rice Street, Saint Paul, MN.
2. Furnish one set of revised site plans for review. Following approval by SPRWS, furnish one set of approved plans.

Erosion Control

Wes Saunders-Pearce, Water Resources Coordinator, (651-266-9112) said the erosion/sediment control plan looks OK.

Flood plane

Wes Saunders-Pearce, Water Resources Coordinator, (651-266-9112) said:

- You will need to provide a more detailed flood emergency evacuation plan.
- You will need to provide an Elevation Certificate before a Certificate of Occupancy can be issued for the new buildings.

Street Lights

A note must be added to the plan stating "The Contractor shall contact John McNamara, General Foreman, Lighting - Signal Maintenance, (651-487-7209), if removal or relocation of existing facilities is required or in the event of damage to the lighting or signal utilities. The

Contractor shall assume responsibility (and related costs) for any damage or relocations."

"The installation of private electrical wiring, conduit, receptacles and/or lighting is strictly prohibited in the City's ROW (Right of Way)."

Park trail

A 16' wide Pedestrian Trail Easement has been provided along the southwest edge of the site. Ellen Stewart of Parks said the site plan looks OK if the existing grades in the easement area are not changed by the project and a visual screen is provided to separate the trail area from the rest of the site. The plan calls for an 8' high chain link fence with "privacy fabric. Staff asked you to provide a photo or more information of the privacy fabric.

Screening

A visual screen is required along the Barge Channel Road side of the site and along the pond. Tom Beach said the screening can be provided by vegetation or privacy fabric (pending staff getting more information about the fabric). Josh Williams of PED will visit the site and based on what he sees he will let us know if any additional screening is needed.

Lighting

You said you will remove some of the existing lights on the site. Tom Beach said you must provide a lighting plan for the site, showing what lights will remain, be removed and be added. Lights should be aimed/shielded to minimize light to residential property to the south across Concord.

Hours of operation

You said you had not determined that exact hours of operation but said they would be approximately 7 AM to 5 PM Monday thru Friday and Saturday morning.

Parkland Dedication

A Parkland Dedication is not required for this project since the amount of off-street parking does not appear to be increasing. An easement for a future trail was recorded in November 2011.

MPCA Permit

This project will be affecting more than 1 acre and so you must obtain a General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency. You will need to submit you erosion/sediment control plan to them. Call the MPCA at 651-757-2088 for more information. I need to see confirmation that you got this permit before I can approve the site plan.

Right of Way

The following comments must be included on the revision of your plan:

INSPECTION CONTACT: The developer shall contact the Right of Way inspector Brent Gillen 651-485-4263 (one week prior to beginning work) to discuss traffic control, pedestrian safety and coordination of all work in the public right of way.

SAFE WORK SITE REQUIREMENTS: The Contractor shall provide a continuous, accessible and safe pedestrian walkway that meets ADA and MN MUTCD standards if working in a sidewalk area, and traffic control per MN MUTCD requirements for work in the public right of way.

NO PRIVATE FACILITIES IN THE RIGHT OF WAY: The developer is strictly prohibited from installing private electrical wiring, conduit, receptacles and/or lighting in the City's Right of Way. This includes stubbing conduit or cable into the public right of way to accommodate utility feeds to the site. Coordinate with each utility prior to construction to determine feed points into the property. Utilities are responsible for securing excavation permits to run their service into a site,

and (where required) submitting plans for review by the Public Works Utility Review Committee.

CITY OF ST. PAUL PERMIT REQUIREMENTS:

ORDERING OBSTRUCTION AND EXCAVATION PERMITS: Contact Public Works Right of Way Service Desk at (651) 266-6151. It is strongly recommended that contractors call for cost estimates prior to bidding to obtain accurate cost estimates.

OBSTRUCTION PERMITS: The contractor must obtain an Obstruction Permit if construction (including silt fences) will block City streets, sidewalks or alleys, or if driving over curbs.

EXCAVATION PERMITS: All digging in the public right of way requires an Excavation Permit. If the proposed building is close to the right of way, and excavating into the right of way is needed to facilitate construction, contact the utility inspector.

FAILURE TO SECURE PERMITS: Failure to secure Obstruction Permits or Excavation Permits will result in a double-permit fee and other fees required under City of St. Paul Legislative Codes.

REQUIREMENTS TO WORK IN THE PUBLIC RIGHT OF WAY:

All utilities and contractors working in the public right of way must be registered, insured and bonded, as recognized by the Public Works Service Desk. (651-266-6151)

Site Plan Approval

The site plan is approved subject to you meeting the conditions in the email. This decision can be appealed to the Planning Commission within 10 days of this email.



CITY OF SAINT PAUL
Christopher Coleman, Mayor

375 Jackson St, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Project Review Summary - 11 286761 Date of Report: 10/18/2011 E-Mailed: October 19, 2011

Project Name: Gerdau Midlothian Mill-- Metal collection facility

Property Address: 750 BARGE CHANNEL ROAD PIN: 092822340009 Zoning District: I2

Project Applicant Contact Information

Mr Roy Frosch
Gerdau Midlothian Mill
300 Ward Road
Midlothian TX 76065

The following summarizes the items discussed on **October 5, 2011** regarding the steps necessary to obtaining approval for the project referenced above:

ZONING/FLOOD PLAIN ISSUES

Zoning Issues

The proposed metal collection facility is considered a recycling process center with outdoor processing which is permitted as a conditional use in the I2 industrial zoning district, where the property is located. You will need to obtain a zoning conditional use permit (CUP)*, from the St. Paul Planning Commission, before this use may be established. Consideration of CUP requests, by the Commission, requires a public hearing.

Flood Plain Development Issues

The reference property is in the City's flood hazard zone which is designated a Flood Fringe area. All structures with a roof and a wall or attachment to utilities, including gas and liquid storage tanks and accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The Options in this case are:

- 1) The entire site would need to be raised up on fill so that structures, equipment and metal scrap piles would be elevated to the Regulatory Flood Protection level [See Item A.] or;
 - 2) Under a CUP approved by the Planning Commission*, elevate the structures by alternative measures other than fill [See Item B. 1)]. Under this scenario, if equipment and metal piles are stored below the regulatory level, they would need to be removed from the site in the event of flood [See Item B. 4)]
- A. At this property, the base flood elevation (BFE) is determined to be 706.2' (St Paul Datum). The lowest floor(including basement floor) of the structures noted above must be elevated two feet above the BFE to the Regulatory Flood Protection Elevation (RFPE) of 708.2'.
- 1) The finished fill elevation for such structures shall be not lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure. Fill shall be compacted and the slopes shall protected by the use of riprap, vegetative cover or other acceptable method.
- B. Any structure in the FF flood fringe district that is not elevated on fill shall only be allowable as a conditional use. The uses are subject to the conditions of the underlying zoning district, to the standards for conditional uses in the flood fringe district in and to the standards for all flood fringe uses.
- 1) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls or above grade, enclosed areas such as crawl spaces or tuck-under garages.

- 2) The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if: 1) the enclosed area is above grade on at least one (1) side of the structure; 2) is designed to internally flood and is constructed with flood-resistant materials; and 3) is used solely for parking of vehicles, building access or storage.
- 3) The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the Minnesota State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent floodwater from entering or accumulating within these components during times of flooding.
- 4) The storage, processing of materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the planning commission, or if elevated above the regulatory flood protection elevation by alternative methods which meet the standards of the City's Flood Fringe Zoning Overlay District.
- 5) Storage of bulk materials may be allowed provided an erosion/sedimentation control plan is submitted which clearly specifies methods to be used to stabilize the materials on site for a regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the planning commission.

***Conditional Use Permit Information**

The conditional use permit process for both the recycling processing center with outdoor processing and the alternative approach to elevating the site (if chosen as the preferred option) can be combined as one application. Applications for the CUP are submitted to our Planning Office at the Department of Planning and Economic Development. Contact either Patricia James (651-266-6639) or Josh Williams (651-266-6659) for further information about this process and if a pre-application meeting with city staff is advisable. The web link, including the application and information for obtaining a Conditional Use Permit will be found on the last page of this document

In reviewing conditional use permit applications, City staff and the planning commission will need to consider the following:

- a) Consistency with the comprehensive plan and floodplain management program for the city.
- b) Importance of the services provided by the proposed facility to the community.
- c) Compatibility with existing characteristics of biologic and other natural communities.
- d) Design of the water supply and sanitation systems to prevent disease, contamination and unsanitary conditions.
- e) Requirements of the facility for a river-dependent location, if applicable.
- f) Safety of access to the property for ordinary vehicles.
- g) Susceptibility of the facility and its contents to flood damage and the effect of such damage on the individual owner.
- h) Dangers to life and property due to increased flood heights or velocities caused by encroachments.
- i) Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- j) The danger that materials may be swept onto other lands or downstream to the injury of others.
- k) The availability of alternative locations or configurations for the proposed use.
- l) Such other factors as are relevant to the purposes of this chapter.

City staff and the planning commission may attach conditions to the granting of conditional use permits. Such conditions may include, but are not limited to, the following:

- a) Modifications of design, site planning or site treatment.
- b) Requirements for implementation of erosion and sediment control, vegetation management, wildlife management and other protective measures.
- c) Modifications of waste disposal and water supply facilities or operations.
- d) Limitations on period of use and operation; a flood warning system and an evacuation plan.
- e) Imposition of operational controls, sureties and deed restrictions.
- f) Requirements for construction of channel improvements, modifications, dredging, dikes, levees and other protective measures.

- g) Flood proofing measures consistent with state-established flood proofing standards in the Minnesota State Building Code and with the flood protection elevation for the particular area including flood velocities, duration and rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The planning commission shall require that the applicant submit a plan or documents certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood elevation and associated flood factors for the particular area. The flood proofing measures include, but are not limited to, the following:
- Anchorage to resist flotation and lateral movement.
 - Installation of watertight doors, bulkheads and shutters, or similar methods of construction.
 - Reinforcement of walls to resist water pressure.
 - Installation of pumps to lower water levels in structures.
 - Construction of water supply and waste treatment systems to prevent the entrance of floodwaters.
 - Installation of pumping facilities or comparable practice for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
 - Construction to resist rupture or collapse caused by water pressure or floating debris.
 - Installation of valves or controls on sanitary and storm drainage which will permit the drains to be closed to prevent backup of sewage and storm water into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
 - Location of all electrical equipment, circuits and installed electrical appliances such that they are not subject to the regional flood.
 - Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials that could be hazardous to public health, safety and welfare (if permissible under the Minnesota State Building Code) above the flood protection elevation or provision of adequate flood proofing to prevent flotation of or damage to storage containers which could result in the escape of toxic materials into floodwaters.

Site Plan Approval Required

The proposed use requires site plan approval. A site plan must be prepared and submitted to City staff for review and approval before any building permits or licenses are issued. Tom Beach at 651-266-9086 is the contact this review process. The web link, including the application and information about the Site Plan process will be found on the last page of this document.

Other Issues to discuss as part of the Conditional Use and Site Plan Review process

Provision for the Stormwater Pollution Prevent Plan (SWPPP) and the Minnesota Pollution Control Industrial Stormwater Discharge Permit required for this facility.

NPDES Construction Stormwater Permit needed before construction activity could begin.

Saint Paul Port Authority requirements for landscaping and screening of the site

BUILDING CODE ISSUES

Building Permit Requirements

This proposal will require a building permit to proceed. The building permit is issued only after plans have been approved by city staff and any necessary public reviews are completed. In addition to the building permit, separate permits are required for any plumbing, electrical or mechanical work. These permits must be obtained and the work performed by State license contractor in each of the respective trades.

- Two sets of complete construction documents (including floor plans and any structural or mechanical ventilation plans) must be submitted with permit application to our plan review group. The construction documents shall include architectural, structural, mechanical, electrical and plumbing plans signed and stamp by appropriate design professionals, registered in the State of Minnesota.
- The ventilation contractor should contact Ron Haider (651-266-9063), our senior mechanical inspector, if they have questions about plan submittals.
- The plumbing and electrical contractors for this project should contact the senior plumbing inspector is Rick Jacob at 651-266-9051 or the senior electrical inspector is Dan Moynihan at 651-266-9036 if they have any questions about plan submittals

Fire Prevention

A sprinkler system for fire suppression may be required for this development. The fire prevention section of the Dept. of Safety and Inspections reviews sprinkler plans, issues permits and does the necessary inspections of the installation. Contact Katie Le Tourneau-Bjorge at 651-266-8954 with questions on obtaining this permit.

Metropolitan Council Service Availability Charge (*SAC)

The propose project will require payment of a "service availability charge" (SAC*). Plans will need to be submitted to the Metropolitan Council Environmental Services (MCES) for a SAC determination. See web link below for the Met Council contact and information about obtaining a SAC determination.

*SAC, or Service Availability Charge, is a one-time fee imposed by the Metropolitan Council Environmental Services on Local Government Units and other communities with building authority for their portion of the reserve capacity cost of the Metropolitan Disposal System (MDS). SAC is not a connection fee. It is for sewer capacity availability at the MDS.

If MCES determines SAC fee is owed, the City will need to collect the payment along with the building permit fee before the building permit or license is issued.

The contacts at the Met Council Environmental Service are:
Karon Cappaert--SAC Determination Review
(651) 602-1118

karon.cappaert@metc.state.mn.us

BUSINESS LICENSING

Licensing Requirements

The business proposed for this location will require the following city license(s)

| License Type | Annual Fee |
|--------------|------------|
|--------------|------------|

| | |
|-----------------------------|----------|
| Recycling Processing Center | \$816.00 |
|-----------------------------|----------|

This facility also requires a Minnesota State Scrap Metal Processor License to accept vehicle for recycling of the metal components [see link to State site below].

City license(s) identified for the proposed business require a 30 day public notice. In instances where a notice of a license request is required, processing time for the license can take 75 to 90 days. The business license will be issued when all information on the application has been verified, the proper notice time has expired without objections from the neighboring properties and the construction work is completed and approved by the building official.

Application forms and other information provided to the applicant

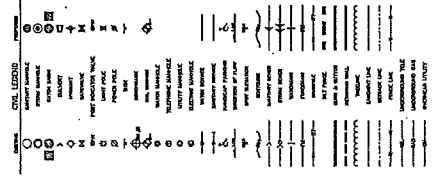
- [Site Plan Review Packet and Application Form](#)
- [Conditional Use Permit Zoning Application](#)
- [License Application Forms](#)
- [Minnesota State Scrap Metal Processor License](#)
- [Met Council SAC Information](#)

Larry Zangs -- Department of Safety & Inspection
375 Jackson St -- Suite 220
Saint Paul MN 55101
651-266-9109

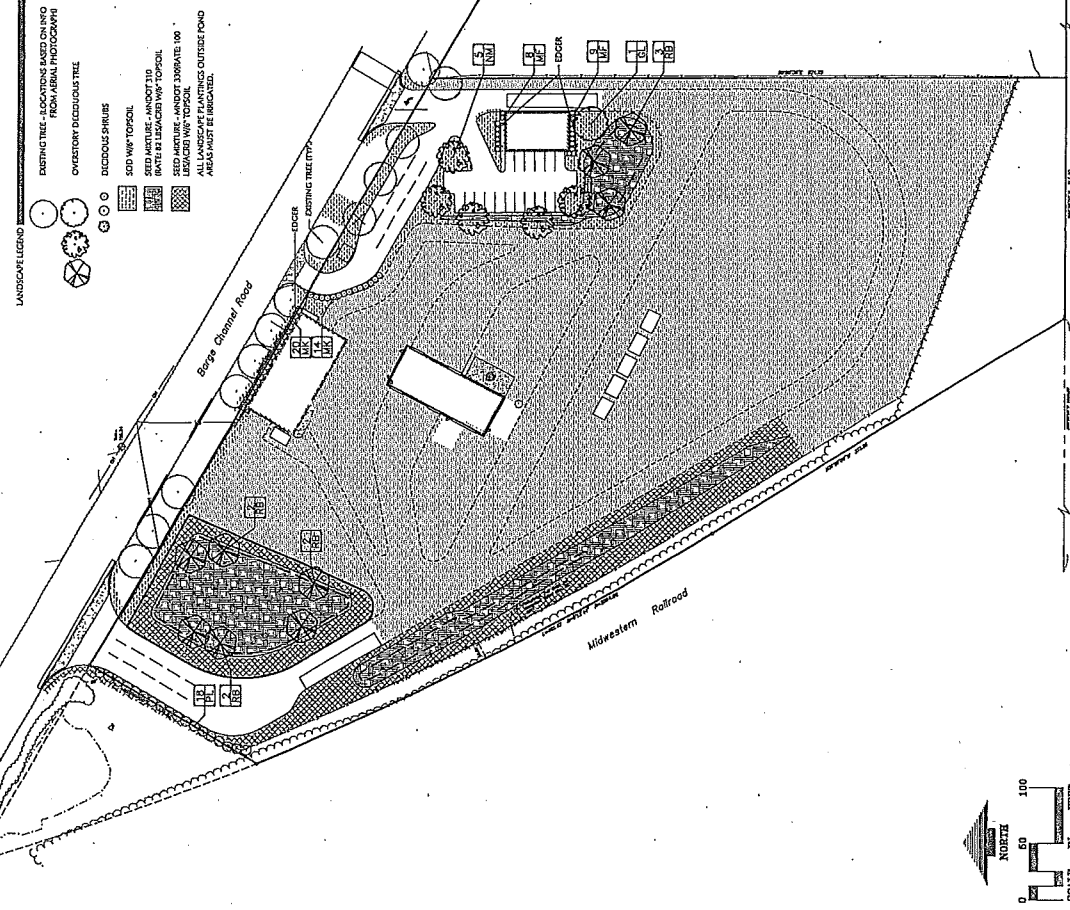
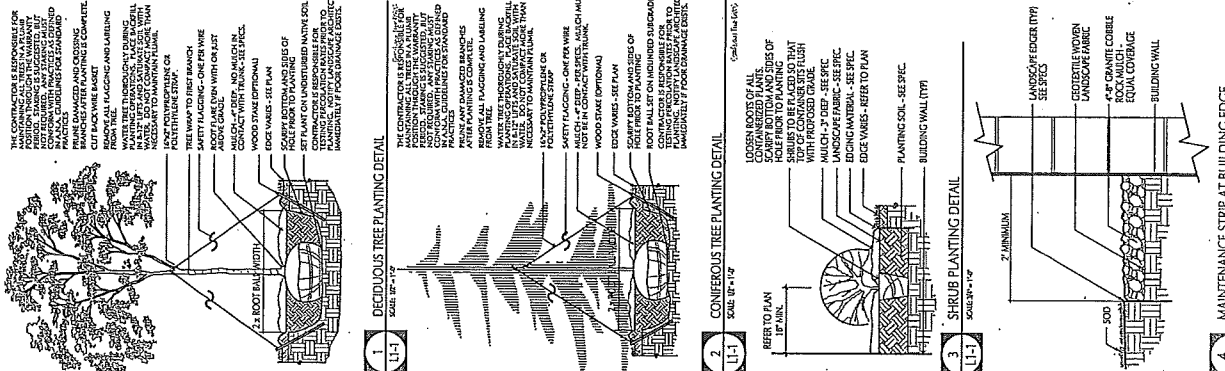
E- Mail: larry.zangs@ci.stpaul.mn.us

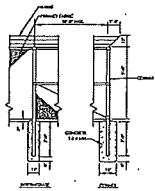
CC: Cecil Bedor (PED), Ricardo Cervantes (Safety & Inspections), Louis Jambois (St Paul Port Auth.)
Kelly Jameson (St Paul Port Auth.), Patricia James (PED), Josh Williams (PED),
Tom Beach (Safety & Inspections)

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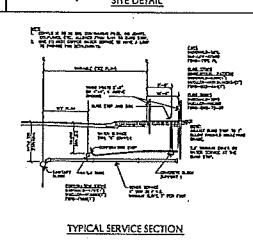
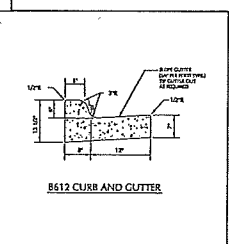
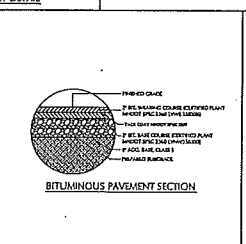
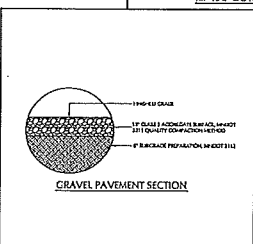
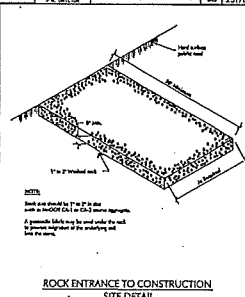
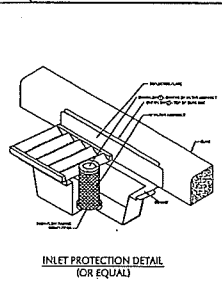
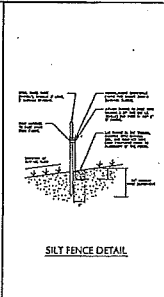
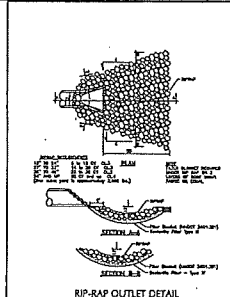
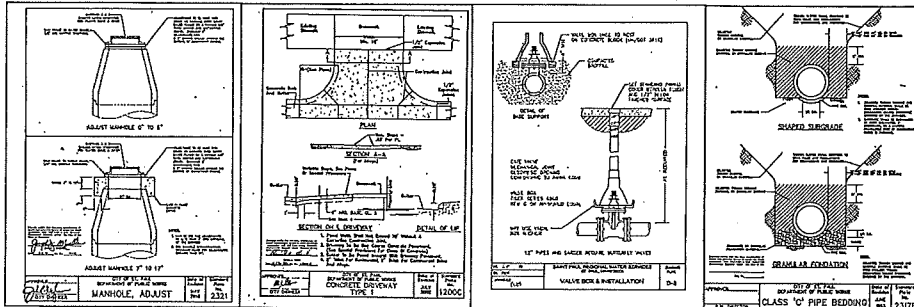


| PLANT SCHEDULE | | | | | |
|----------------|-----|---------------------|------------|-------|------------|
| SYM | QTY | QUANTITY NAME | UNIT | PRICE | COMMENTS |
| CONCRETE | | | | | |
| 1 | 1 | CONCRETE PAVEMENT | SQ. YD. | 1.50 | PAVEMENT |
| 2 | 1 | CONCRETE CURB | LINEAL FT. | 1.50 | CURB |
| 3 | 1 | CONCRETE SIDEWALK | SQ. YD. | 1.50 | SIDEWALK |
| 4 | 1 | CONCRETE DRIVE | SQ. YD. | 1.50 | DRIVE |
| 5 | 1 | CONCRETE FLOOR | SQ. YD. | 1.50 | FLOOR |
| 6 | 1 | CONCRETE WALL | SQ. YD. | 1.50 | WALL |
| 7 | 1 | CONCRETE FOUNDATION | SQ. YD. | 1.50 | FOUNDATION |
| 8 | 1 | CONCRETE ROOF | SQ. YD. | 1.50 | ROOF |
| 9 | 1 | CONCRETE SLAB | SQ. YD. | 1.50 | SLAB |
| 10 | 1 | CONCRETE BEAM | SQ. YD. | 1.50 | BEAM |
| 11 | 1 | CONCRETE COLUMN | SQ. YD. | 1.50 | COLUMN |
| 12 | 1 | CONCRETE JOIST | SQ. YD. | 1.50 | JOIST |
| 13 | 1 | CONCRETE GIRDER | SQ. YD. | 1.50 | GIRDER |
| 14 | 1 | CONCRETE TRUSS | SQ. YD. | 1.50 | TRUSS |
| 15 | 1 | CONCRETE RAFTER | SQ. YD. | 1.50 | RAFTER |
| 16 | 1 | CONCRETE BRACE | SQ. YD. | 1.50 | BRACE |
| 17 | 1 | CONCRETE KNUCKLE | SQ. YD. | 1.50 | KNUCKLE |
| 18 | 1 | CONCRETE HANGAR | SQ. YD. | 1.50 | HANGAR |
| 19 | 1 | CONCRETE GIRD | SQ. YD. | 1.50 | GIRD |
| 20 | 1 | CONCRETE JOIST | SQ. YD. | 1.50 | JOIST |
| 21 | 1 | CONCRETE GIRDER | SQ. YD. | 1.50 | GIRDER |
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| 74 | 1 | CONCRETE HANGAR | SQ. YD. | 1.50 | HANGAR |
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| 94 | 1 | CONCRETE TRUSS | SQ. YD. | 1.50 | TRUSS |
| 95 | 1 | CONCRETE RAFTER | SQ. YD. | 1.50 | RAFTER |
| 96 | 1 | CONCRETE BRACE | SQ. YD. | 1.50 | BRACE |
| 97 | 1 | CONCRETE KNUCKLE | SQ. YD. | 1.50 | KNUCKLE |
| 98 | 1 | CONCRETE HANGAR | SQ. YD. | 1.50 | HANGAR |
| 99 | 1 | CONCRETE GIRD | SQ. YD. | 1.50 | GIRD |
| 100 | 1 | CONCRETE JOIST | SQ. YD. | 1.50 | JOIST |

[illegible][illegible]



PRIVACY CHAIN LINK FENCE
SCALE: N/A



Project Name: GERDAU

Client: GERDAU

St. Paul, Minnesota

GERDAU LONG DIST. NORTH AMERICA

1821 Dayton Road
St. Paul, MN 55111

NOT FOR CONSTRUCTION

Prepared by: M. J. Grogan

Checked by: M. J. Grogan

Drawn by: M. J. Grogan

Scale: AS SHOWN

Sheet No: C8-1

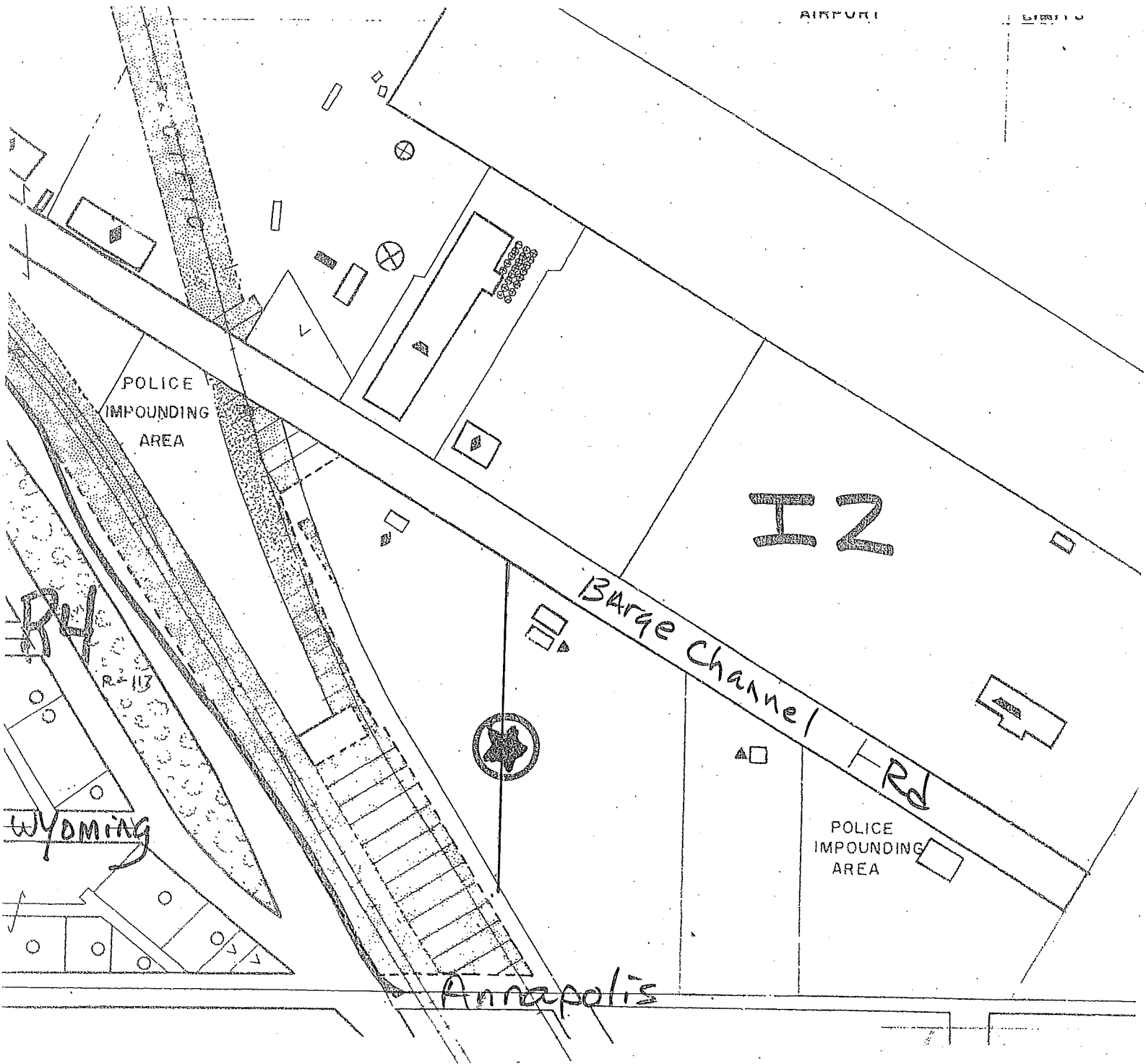
Project No: 11351

Revision: 1

DATE: 11/11/11

DETAIL SHEET





APPLICANT Gerdau Ameristeel

PURPOSE CUP

FILE # 12-103789

DATE 9-10-12

PLNG. DIST. 3

Land Use Map # 38

SCALE 1"=400'

Zoning Map # 23

LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant

